

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 16-M- 5037

JOSEPH KUROWSKI

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the dates listed below, in the Western District of New York, the defendant, JOSEPH KUROWSKI, did:

- (1) On or about April 10, 2015, knowingly use, persuade, induce, entice and coerce a minor, that is, Victim 4, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such sexually explicit conduct, which visual depiction was produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer;
- (2) On or about April 10, 2015, and on or about September 26, 2015, using any means and facility of interstate and foreign commerce, knowingly receive child pornography, as defined in Title 18, United States Code, Section 2256(8), which child pornography had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and
- (3) On or about October 21, 2015, knowingly possess material that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, and that were produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer;

all in violation of Title 18, United States Code, Sections 2251(a), 2252A(a)(2)(A), and 2252A(a)(5)(B).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.


Complainant's signature

Randall E. Garver, Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: March 30, 2016


Judge's signature

City and State: Buffalo, New York

HON. MICHAEL J. ROEMER, USMJ
Printed name and title

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Randall E. Garver, being duly sworn, depose and state:

INTRODUCTION

1. I am a Special Agent of the Federal Bureau of Investigation and entered on duty in May 2006. I am currently assigned to the Buffalo Field Office and work on cases associated with the Violent Crimes Against Children program, which targets individuals involved in the online sexual exploitation of children. As part of these duties, I have become involved in the investigation of suspected violations of Title 18, United States Code, Sections 2251, 2252, 2252A, 2422, and 2423. I have also participated in various FBI mandated and volunteer training for the investigation and enforcement of federal child pornography laws in which computers are used as the means for receiving, transmitting, and storing child pornography.

2. I make this affidavit in support of a criminal complaint charging **JOSEPH KUROWSKI** ("KUROWSKI"), with violations of Title 18, United States Code, Sections 2251(a) [Production of Child Pornography], 2252A(a)(2)(A) [Receipt of Child Pornography], and 2252A(a)(5)(B) [Possession of Child Pornography].

3. The statements contained in this affidavit are based on my involvement in this investigation, as well as information provided to me by other law enforcement officers in this investigation, and upon my training and experience as a Special Agent of the Buffalo FBI. Because this affidavit is being submitted for the limited purpose of seeking a criminal

complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts necessary to establish probable cause to believe that KUROWSKI knowingly violated Title 18, United States Code, Sections 2251(a), 2252A(a)(2), and 2252A(a)(5)(B).

VICTIM 1

4. In August of 2015, a police officer with the Blasdell, New York, Police Department reported to the FBI's Child Exploitation Task Force that their department received a report involving a 13-year-old female (hereinafter "Victim 1"), in which Victim 1 used a smartphone to engage in sexually explicit conversations with numerous unknown individuals, using the Kik application and through text messages. Kik is a mobile messaging application that allows users to communicate with other users and send photographs. As part of my investigation, I reviewed the conversations between Victim 1 and the other individuals, including one individual who has now been identified as KUROWSKI. Using conversations found in Victim 1's phone, I obtained a search warrant for KUROWSKI's residence in Buffalo, New York, which the FBI executed on October 21, 2015.

5. As part of my investigation, I have reviewed a chat conversation that took place over Kik involving Victim 1 and the user of Kik name "joeykurowski" between June 19 - 23, 2015. On June 19, Victim 1 wrote, "I just don't wanna be [that] girl." "Joeykurowski" replied, "what girl...it's not a hump and dump. I told you this is ongoing it's not like that." The user continued, "we won't meet? You too chicken haha...well prove

me wrong is all I can say." Victim 1 wrote, "well c...what happens...I don't know what else to tell u." "Joeykurowski" appeared to attempt to convince Victim 1 to meet him and replied, "tell me your coming out...ok well I'm not sure what to talk with you about...I don't know how to help you."

6. On June 22, "joeykurowski" wrote, "I don't think you want it;" and Victim 1 wrote back apparently telling "joeykurowski" that something in the discussion was "ridiculous." "Joeykurowski" replied, "what is?" On June 23, Victim 1 replied, "your reason. 13 [from] 15 isn't that big of a deal." "Joeykurowski" replied, "it's not the age difference. It's the fact that you lied." Victim 1 then wrote, "what's the point?" I believe that this portion of the conversation showed that "joeykurowski" believed that Victim 1 was 15-years-old, and was upset that she lied to him when he found out she was only 13. "Joeykurowski" replied, "you tell me? You wanna see my dick? Get on and tell me that." Victim 1 wrote back, "no," and then asked through the conversation what he wants from her. "Joeykutrowski" wrote, "I wanna see you and hold you and make out with you and grab your titties and I wanna fuck you in lots of fun ways especially cause your so small it'll be amazing cause I can hold you up and whip you around. But when your ready...I wanna see your body and hear you moan." Victim 1 replied, "I want that a lot...I don't know when though." "Joeykurowski" wrote, "I'll get on skype with my face if you get naked, partially or totally and masturbate with me. And whenever. Just let me come get you. Text your parents and either ask when they'll be home or if you can go to a friends for awhile." "Joeykurowski" then asked, "getting on skype or you gonna see if we can get together in person." Victim 1 wrote, "ok. But I can't masturbate." Based on this conversation, I believe

the user of "joeykurowski" knew Victim 1 was 13, wanted to meet her for sexual purposes, and asked her to masturbate over Skype, which constituted an attempted production of child pornography and sexual enticement of a minor. I reviewed Victim 1's Skype account and did not recover any pictures or chat logs corresponding to this conversation.

7. On or about September 21, 2015, a law enforcement officer using Victim 1's Kik account in an undercover (UC) capacity, engaged in a Kik chat session with "joeykurowski. During the conversation, the UC wrote, "u missed my birthday!!...it's not too late u know...for u to spoil me...maybe something nice to make me look hot." "Joeykurowski" replied, "Oh? Then I'd want you right then and there." The UC and "joeykurowski" then discussed why the Victim had not been on Kik for a while, and the UC wrote, "sorry, I just got a little scared, I didn't know if u told anyone about us," to which "joeykurowski" replied, "nope." The UC wrote, "as long as you promise not to tell anyone I'm cool." "Joeykurowski" replied, "I don't need to." When the pair discussed meeting, the UC wrote "but u said u wanted too, remember," to which "joeykurowski" replied, "I do want to." The UC wrote, "well u said u wanted to do it and hear me moan," and "joeykurowski" replied, "yea I suppose I did." On September 22, 2015, "joeykurowski" wrote the UC, "I want to get together with you because I think I want you but this way we can explore that." On September 23, the UC replied, "ok, I'm in school til 3 so after school some time." "Joeykurowski" wrote, "I work till 6:30 so after that. When do you want to?"

8. On October 21, 2015, KUROWSKI was interviewed during the execution of the search warrant by the FBI and admitted that he was a participant in the Kik

conversations detailed above. He knew Victim 1 as "K" and knew she was 13 years old, though he thought she was 15 when they met over Whisper. KUROWSKI said he wanted a "fully body shot" of Victim 1. He also told the FBI that he uses telephone number (716) 598-1519.

VICTIM 2

9. During the forensic examination of KUROWSKI's Apple Macbook laptop computer and Apple iPhone 6 seized during the execution of the search warrant, text message conversations with another individual, who has now been identified as a 15-year-old female (hereinafter "Victim 2"), were located. A summary of the text message conversation recovered is included below.

10. On February 7, 2015, Victim 2 wrote KUROWSKI, "it's the girl from whisper ha ha...how old are you?!" KUROWSKI replied, "22 how old are you?...are you not gonna talk to me now?" Victim 2 replied "15," and KUROWSKI responded, "oh well whatever. I don't really care if you don't." KUROWSKI asked Victim 2, "did you wanna do somethin tonight?" Victim 2 asked, "buy me alcohol" and KUROWSKI wrote, "I can get alcohol lol." Victim 2 replied, "well I mean I'm 15, I can't really leave my house. Especially chill with a 23 year old that I barely know." Victim 2 told KUROWSKI he was acting strange, and he replied, "so that's why I asked if you wanted to chill. It's not like you sent me nudes and I'm like ooh lemme get that right now lol...but they're welcome! Lol."

11. On or about February 8, 2015, the conversation continued by Victim 2 discussing issues she was having with a boyfriend. KUROWSKI wrote "you should get rid of him [her boyfriend]. I told you I'd take you out if you want. Do you guys do anything like physically?" Victim 2 replied that she is a virgin, to which KUROWSKI asked, "but do you mind telling me? Do you have sex or something?" Victim 2 again stated that she was not having sex at her age. KUROWSKI replied, "I can't believe your only 15 like I wish I could have you forreal." Victim 2 responded, "you're too old tho;" KUROWSKI wrote, "I'm only too old if you feel weird about it. Like I said I don't care if the person is mature enough it doesn't bother me at all."

12. On or about February 10, 2015, Victim 2 asked KUROWSKI, "if I ever give you \$ would you ever [buy] alcohol for my friends and I hahaha If not I understand." KUROWSKI replied, "Yea I can but only if you hook me up with one!" Victim 2 asked, "hook you up with a 14-15 year old?..Isn't that a little weird." KUROWSKI suggested maybe Victim 2 had older friends and Victim 2 wrote that they were all about her age. KUROWSKI told Victim 2, "...maybe one of them would be into me lol."

13. On or about March 13, 2015, Victim 2 wrote KUROWSKI, "pick me up," to which KUROWSKI replied, "ok what's your address." Victim 2 replied, "I'm jk [just kidding]." KUROWSKI replied, "Nooo comon! My whole family left for the weekend so I'm bored and want somethin to do. We can drink I got alcohol."

14. On October 1, 2015, Victim 2, using a different phone number, sent a text to KUROWSKI that stated "hey." KUROWSKI replied, "hey whats up." Victim 2 wrote, "do you know who this is;" when KUROWSKI said he did not, Victim 2 gave her first name. Victim 2 wrote, "this is Joey kurowski right?" and he replied, "yep." Victim 2 wrote, "so how old are you" and KUROWSKI replied, "im 22 why?" Victim 2 wrote, "okay good, I thought you were older lol you're young." KUROWSKI replied, "im young? your like 16 aren't you?" Victim 2 wrote back, "almost...I act older haha." KUROWSKI then wrote, "oh haha. that sucks for me." Victim 2 sent a photo of herself and a friend and told KUROWSKI she is the "blond one." KUROWSKI replied, "nice. Got a body pic? like bikini or something." Victim 2 responded, "uhhh...not for you." KUROWSKI wrote back, "you don't have to haha...what's wrong with me?" Victim 2 replied, "I don't really know you." KUROWSKI wrote, "well we should get to know each other better...would you like to chill sometime?" As the conversation continued, Victim 2 wrote, "I have school in the morning im going to bed soon." KUROWSKI wrote back, "oh well ill just join you haha." Later in the conversation, the two discussed what towns in western New York they reside in and KUROWSKI wrote, "so im like 10-15 mins from you probably...and I have my own car." Victim 2 wrote, "you should pick me up from school sometime and we can chill." KUROWSKI replied that he could meet Victim 2 the following day after 6:30; Victim 2 replied, "no bc my mom can't know I'm with a 22 year old." KUROWSKI replied, "she doesn't have to know im 22 lol...I could be your age who knows haha."

15. On or about October 4, 2015, KUROWSKI wrote Victim 2, "went hiking today. You wanna do something?" Victim 2 replied, "I'm not home sorry." KUROWSKI

replied, "ooh ok well I mean I could pick you up if you wanted to tonight sometime." KUROWSKI wrote that they could "watch a movie at my place and chill." Victim 2 asked, "you have [y]our own house." KUROWSKI wrote back, "not yet. I will soon hopefully. I live with my parents still right now." Victim 2 asked, "well wouldn't that be weird if you brought a 15 year old over hahaha." KUROWSKI wrote, "it's not like I'm announcing how old you are." Victim 2 responded, "you can tell." KUROWSKI wrote back, "can you though? My family is all kept to themselves they prob wouldn't even notice. When I have people over we just go right to my room. Anyway so my parents will say hi sometimes but that's like it.

16. On or about October 16, 2015, KUROWSKI wrote, "want me to pick you up from school tomorrow? I have off." Victim 2 replied, "Yeah!" From the follow on texts, it appears that Victim 2 never gave KUROWSKI a time to pick her up.

17. On or about October 18, 2015, Victim 2 wrote "how old are you" and KUROWSKI replied, "omg lol...22." Victim 2 wrote, "I forgot...buy me alcohol?" KUROWSKI replied, "I can." Victim 2 wrote, "on Halloween," to which KUROWSKI wrote, "shouldn't be a problem...does that mean we're chillin on halloween or some other day." Victim 2 wrote, "we can chill the day before and you give it [the alcohol] to me." KUROWSKI responded, "alright." Victim 2 asked, "do I have to pay you for it?" KUROWSKI wrote, "I mean idc [I don't care] but it depends on what you want." Victim 2 wrote "four loko," and when asked where to get that and Victim 2 wrote, "7/11." I know Four Loko to be a flavored alcoholic beverage.

18. On November 11, 2015, Victim 2 was interviewed at her home. Victim 2 told the FBI that around December 2014, she met KUROWSKI over the Whisper app and the conversation moved to Snapchat. Victim 2 said she told KUROWSKI she was 14 when they met and knew him to be 18 or 20, though she later learned he was 22. Over Snapchat, KUROWSKI asked Victim 2 for nude pictures and offered to purchase Victim 2 alcohol in exchange for oral sex. KUROWSKI offered to send Victim 2 pictures of his penis. However, Victim 2 no longer had any of these messages saved. Due to the content of the messages, Victim 2 deleted KUROWSKI as a Snapchat contact. Victim 2 viewed the text messages detailed above, stated that she was a participant in them with KUROWSKI, and showed the FBI that KUROWSKI's telephone number was still in her phone. Victim 2 never met KUROWSKI for sex; she only saw him in person once, but the encounter was benign.

19. That same evening, November 11, 2015, at 11:07 pm, KUROWSKI sent an unsolicited text message to Victim 2 that just read, "hey." Victim 2 did not reply until the FBI concurred with her doing so on November 17, 2015. On or about November 17, 2015, Victim 2 wrote KUROWSKI, "Hey!!...are we friends bc the other day it didn't seem like you really liked me..." KUROWSKI replied, "we are I just am going through a rough time and stuff so it's hard." Victim 2 wrote, "Oh I'm sorry to hear about that. I'm here if you need to talk about anything!." KUROWSKI replied, "I can't unfortunately but a lawyer took 2000 and I'm not even using him for the problem so I'm mad about that and then there's why I have a lawyer....Sad." Victim 2 asked, "Why do you have a [lawyer]?...I

won't tell anyone or judge you." KUROWSKI answered, "can't really talk about it...It's not about that. I can't text about it or anything because it's serious not because of you." Victim 2 wrote back, "okay understandable. I'm here if you need me!!!" KUROWSKI then replied, "Thanks. I just don't wanna be alone through this but there's nothing anyone can do." Victim 2 asked, "are you sure you don't want to talk about it? I'll delete these messages and keep it confidential. I don't judge either...?" KUROWSKI then wrote, "I can't. I don't really want to either because it just makes me angers." Victim 2 replied, "I'm here, you can talk to me Joey." He replied, "Yea but I don't want to. I want to just not need a lawyer or any of this but someone probably ruined the rest of my life." Victim 2 wrote, "Tell me what happened please I wanna help...you can trust me Joey!!" To which KUROWKSI replied, "You can't though. Some girls mom told the police I was coercing her to meet for sex. Didn't meet. Barely had a loose plan, that I would never have actually gone with and now they may have me in jail or registered as a sex offender when she messaged me on an app for adults and asked me to bang her...I can't trust anyone." Victim 2 replied, "Yeah shit sorry. Wait so they took all your stuff?" KUROWSKI answered, "Yep. Had to get a new phone because I won't see it for a long time." Victim 2 asked, "so the girl wanted you???" KUROWSKI wrote back, "Yep. She initiated but still my fault I guess. Even though we had no plans." Victim 2 then asked, "So she wanted you? Then called the cops when she's the one who wanted you? Did you like her or like have a thing???" KUROWSKI wrote back, "No her mom probly called." Victim 2 then asked, "How old was she?" KUROWSKI wrote, "And freaked out about me 'praying'...idk [I don't know] she started being 17 then 15."

20. On March 27, 2016, without prompting, KUROWSKI sent a text message to Victim 2 that simply read, "Hey" and began to follow Victim 2 on Twitter.

VICTIM 3

21. During the forensic examination of KUROWSKI's Apple iPhone 6 seized during the execution of the search warrant, Kik conversations with another individual, who has now been identified as a 16-year-old female (hereinafter "Victim 3"), were located. A label on this cellular telephone indicates that it was manufactured outside of New York State. The Kik conversations took place from September 26, 2015, to October 4, 2015. On November 9, 2015, Victim 3 was interviewed, and provided the following information.

22. Victim 3 met KUROWSKI over Whisper and then moved the conversations to Kik. Victim 3 reviewed the conversations and agreed that she was a participant in them and said she "vaguely" recalled sending him pictures and videos further described below. Victim 3 told the FBI that KUROWSKI threatened her over Whisper, telling her that if she does not participate in the sexting and sending him sexual videos, he would hurt her. Victim 3 explained to the FBI that she thought KUROWSKI would assault or rape her if she did not participate in the Kik chats detailed below. Victim 3 consented to the FBI taking possession of her iPod, which she used to engage in the communications, however, the FBI did not recover any conversation that is threatening or coercive in nature. The following Kik messages were obtained from Victim 3's iPod.

23. On September 26, 2015, KUROWSKI wrote Victim 3 on Kik, "Hey." Victim 3 replied, "want to see those videos?" After KUROWSKI replied "Um yea!" Victim 3 sent a picture of her exposed breasts with her t-shirt up and a ten second video clip of her bouncing up and down with her breasts exposed. Victim 3 wrote, "just imagine looking up at this while my tight past squeezes your cock and thrusts up and down." KUROWSKI wrote, "Yea imma need to jack off now." Victim 3 asked, "want me to help?" Victim 3 then sent a 13 second video that focused on her vagina as she masturbated in a bath tub. Based on my training and experience, I believe that this video constitutes child pornography. Then Victim 3 sent a 12 second video clip of her breasts, while she rubbed and licked one. Victim 3 wrote, "just imagine shoving your thick cock into my tight pussy. Thrusting as hard as you can. My mouth around your cock going back and forth so fast my tits bounce and you just come all over my face and mouth and tits." KUROWSKI asked, "you like sex this much?" Victim 3 replied, "well when you get me horny then yes...it's a thrill for me." Victim 3 told KUROWSKI that she is shy in real life and not as open sexually; KUROWSKI wrote, "well I hope you like round 2 3 and 4...I can like feel your pussy on me and I can't stand it I want it." Victim 3 replied, "I can go for as many rounds as you want...I can almost feel your cock inside me and trust me I want it too." KUROWSKI wrote, "your first vid won't load...God lets fuck now."

24. On or about September 27, 2015, KUROWSKI wrote Victim 3, "you never let me know when to come over." Victim 3 replied that she was out all day and away from WiFi so she could not text KUROWSKI. KUROWSKI replied, "you can't go now [out to meet him] though so it's like a sad face." Victim 3 replied, "...maybe I can once I know

parents are sleeping.” KUROWSKI wrote, “maybe. I have to work at 11 so I can’t be out that late.” KUROWSKI wrote, “so you been thinkin bout me” and Victim 3 replied that she had. KUROWSKI asked, “like what?” Victim 3 wrote, “how im going to moan so loud when you your cock thrusts inside me.” KUROWSKI replied, “yea hope there’s no one around. They’ll think I’m killing you...plus that vid of ‘what it would look like’ could be much more realistic. We’re gonna need to remake that.” Victim 3 asked, “you talking about filming us.” KUROWSKI replied, “Mhm hope your cool with that.” Victim 3 replied, “yeah I am.” KUROWSKI asked, “know anyone that would wanna film?...we need this tonight.” Victim 3 wrote, “I know,” to which KUROWSKI wrote, “so when are we gonna fuck.”

VICTIM 4

25. During the forensic examination of KUROWSKI’s Apple Macbook laptop computer seized during the execution of the search warrant, text message conversations with another individual, who has now been identified as a 17-year-old female (hereinafter “Victim 4”), were located. The Macbook computer had a 250GB hard drive bearing serial number S1K4NYAF961074 installed in it. A label on this hard drive indicates that it was manufactured outside of New York State. The text messages took place during the spring of 2015. A summary of the text message conversation recovered is included below.

26. On March 18, 2015, KUROWSKI asked Victim 4 for her address so he could come meet her. Victim 4 replied, “I can’t tonight cause it’s late” and explained that these

were not her rules: "I didn't say never I'm just saying [not] tonight because you know curfew."

27. On March 23, 2015, Victim 4 sent KUROWSKI a picture of her face. KUROWSKI replied, "thanks. I wish I could see more of you cause you have a cute face." KUROWSKI sent a picture of himself with his shirt off, and Victim 4 replied, "awe you're so cute." KUROWSKI asked, "you don't have another?" Victim 4 wrote, "not [of] like my full body," and then sent a picture of herself laying down with her shirt open, exposing her bra. KUROWSKI replied, "I like that one. You wanna come chill with me?" Victim 4 wrote, "can't it's 'family time.'" KUROWSKI replied, "what? Tell them you wanna get laid lol."

28. On March 28, 2015, Victim 4 wrote KUROWSKI and said she was drinking alcohol. KUROWSKI wrote, "Nice. Did you wanna chill with me today?" Victim 4 replied, "my curfew is 9." KUROWSKI told Victim 4 to ask if she can come out for an hour. Victim 4 complained, "18 in three weeks and still have a curfew." KUROWSKI replied, "you still wanna do it?" to which Victim 4 responded, "just so you know I'm on my period." KUROWSKI asked, "ok. Would you be willing to like suck me off or something?" Victim 4 wrote back that she was intoxicated, before the conversation ended.

29. On or about April 10, 2015, KUROWSKI wrote Victim 4, "at home chillin. Kinda horney. Wanna [chill]?" Victim 4 replied that she has been sick and does not feel up to meeting, and wrote that she is sorry she cannot meet. KUROWSKI wrote, "I mean if

you want to I'll come get you but if you can't you can't." KUROWSKI asked if Victim 4 was contagious and if she was on antibiotics before asking, "you should do that lol [take antibiotics]. Wanna send me a pic?" Victim 4 replied that antibiotics may interfere with her birth control after asking, "what kind of pic?" KUROWSKI wrote, "whatever kind you want but if you send a good one I'll send a really good one back." KUROWSKI wrote, "I wanna see all of you basically." Victim 4 then sent a picture of her partially covered breasts. KUROWSKI replied, "what a tease!...Lemme see more and you'll get a nice shot of my dick." Victim 4 replied, "Lol I don't have a long mirror though." KUROWSKI wrote back, "just take one of upper body the...lemme see the big picture though. Titties -stomach-pussy." Victim 4 then sent a close picture of her vagina with her fingers in the frame. Based on my training and experience, this image constitutes child pornography.

30. On March 8, 2016, I interviewed Victim 4 who acknowledged that she was a participant in the conversations detailed above and that she was 17-years-old at the time that she sent the child pornographic images to KUROWSKI.

CONCLUSION

31. Based upon the foregoing, I respectfully submit that I have probable cause to believe that **JOSEPH KUROWSKI**, has violated Title 18, United States Code, Sections 2251(a) [Production of Child Pornography], 2252A(a)(2)(A) [Receipt of Child Pornography], and 2252A(a)(5)(B) [Possession of Child Pornography].



Randall E. Garver, Special Agent
Federal Bureau of Investigation

Sworn to before me this 30th day of
March, 2016



HON. MICHAEL J. ROEMER
United States Magistrate Judge